



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,310	07/31/2007	Mitsuo Nakamura	Q95853	2343
23373 7590 07/31/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER				
MICHALSKI, SEAN M				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
07/31/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/585,310

Applicant(s)

NAKAMURA, MITSUO

Examiner

SEAN M. MICHALSKI

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date 7/6/06; 8/30/06; 6/6/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 8-10 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim (claim 4). See MPEP § 608.01(n). Accordingly, the claims 8-10 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Maggioni (US 5,277,300).

Maggioni discloses a conveying device (capable of conveying rubber members) including a vibration imparting part ("vibrating table" motor 4) capable of imparting vibration to a rubber member having internal strain, a conveying part that is capable of conveying a rubber member ("vibrating table") such that the device is capable of conveying the rubber member while having vibration imparted thereto by the vibration imparting part (column 3 lines 12-25).

4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Magin (US 4,965,918).

Magin discloses a vibration imparting part (49) capable of imparting vibration to a rubber member having internal strain, a conveying part (43.1-43.3), wherein a rubber member may be conveyed by the conveying part while having vibration imparted thereto by the vibration imparting part (see column 5 lines 5-36).

Magin further discloses the conveying part is provided with rotating endless belts which can convey the rubber member (see at least figures, and "conveyor belt" column 5 line 24), a protruding part (493 column 5 line 25-35) provided on a rubber member loading surface side of the conveyor (the upper side is the side which parts are loaded- if rubber parts are loaded this is the same side that would be called the rubber member loading surface side) and further discloses that the rubber member is capable of being moved relative to the protruding part due to rotation of the endless belt-since the belt moves relative to the protruding part and is what moves any workpiece, including a rubber member. Magin further discloses that the protruding part is provided as a plurality of revolving elements held freely rotatable (elements 493; there are at least a pair per conveyor) and when the endless belt rotates the revolving elements (493) are capable of butting against the rubber member (the rubber member will butt the member 493 when riding on the conveyor -see figure 3) and are capable of being turned by a moving force of the endless belt and a friction force of a rubber member (when those elements come into contact with 493 they will impart force and turn it as a result, in opposition to the imparted vibration of the device). Magin further discloses rollers (494) which have axes orthogonal to the conveyor direction. Regarding claim 2, the device of Margin would be Capable of imparting any vibrational frequency and amplitude, since it

is a parameter capable of being controlled by the hydraulic or pneumatic cylinders, which are used to drive the motion of the vibration. (see column 5 line 30-45).

Regarding claim 3, the amplitude can be set according to any parameter desired. the requirement that the amplitude be set according to an arbitrary and non-claimed rubber member is met by a showing that the device is capable of being used in accordance with such a function. That is, since the device is capable of having it's frequency and amplitude selected, it could be selected in response to the thickness, hardness and amount of strain of some rubber member.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN M. MICHALSKI whose telephone number is (571)272-6752. The examiner can normally be reached on M-F 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sean M Michalski/
Examiner, Art Unit 3724

/Kenneth Peterson/
Primary Examiner, Art Unit 3724